

Aerial Witness to an Illegal Kill

Situation: From August 2003 through August 2004, Major Peter Zike served as the fire support officer for the 2d Armored Cavalry Regiment (2ACR) operating in Najaf. He observed and coordinated an operation via the imagery produced by an unmanned aerial vehicle (UAV). On 5 May 2005, human intelligence (HUMINT) indicated Moqtada al-Sadr, one of one of the most influential religious figures leading the insurgency in Iraq, was in the area. The UAV followed a suspected vehicle and 2ACR soldiers, led by CPT Maynulet were dispatched to intercept and stop it. In this operation the driver and passenger were shot but were still alive. As the UAV monitors overhead, the wounded Iraqis lying on the ground were flex-cuffed at the wrists. CPT Maynulet remained at the vehicle to guard the wounded prisoners as other soldiers maintained security further away. As CPT Maynulet backed away from the prisoner he tripped on some rocks and fell. Upon standing, he looked at the Iraqi on the ground and it then appeared that CPT Maynulet emptied his entire magazine into the prisoner.

Ethical Dilemma: MAJ Zike could easily erase or dispose of the recording and the team on the ground and could have chosen not to report the incident. The Regimental leadership would not be pleased to say the least. MAJ Zike was not certain if news of this incident could be contained and could not judge the ramifications to his career if he reported it.

Options:

1. Simply let the matter drop, as the men on the ground would not make it an issue and no one else has yet seen the UAV recording.
2. Go so far as to erase the recording to destroy any incriminating evidence in case the incident became known to the public.
3. Report the incident, although it may risk his career and certainly CPT Maynulet's.

Decision: MAJ Zike and the JAG reviewed the UAV recording and decided on the spot that it was an illegal kill. The recording was sent immediately to the 1st Armored Division to insure the incident could not be ignored. When the executive officer of the 2ACR arrived he was angry that the event occurred and was fearful that it would discredit the regiment. Result: Captain Rogelio Maynulet, was later court-martialed and found guilty of assault with intent to commit voluntary manslaughter. He faced up to 10 years in jail but was sentenced to dismissal from the service with no further confinement time. The incident did not have any known adverse effects on MAJ Zike's career.

MAJ Zike summed up the event by saying, "I have no problem killing these people, but you have to operate within the parameters... We had the Criminal Investigative Division (CID) come a couple days later and review the tapes with myself and the warrant officers. I felt good that we actually did that and though the XO was quite angry at me for doing it, it was the right thing to do."